

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	Case No.: 5:19-cr-10-LCB-JHE-1
)	
BILLY GWYN COTTINGHAM)	

ORDER


Defendant Billy Gwyn Cottingham has been indicted under 18 U.S.C. § 922(g)(1) for knowingly possessing a firearm as a convicted felon (Doc. 1). Before the Court is Defendant's Motion to Dismiss the Indictment for Violation of Due Process (Doc. 50). The Government has filed a response (Doc. 57), and Defendant has filed a reply (Doc. 60). On July 6, 2020, U.S. Magistrate Judge John H. England, III issued a Report and Recommendation in accordance with 28 U.S.C. § 636(b)(1) recommending that Defendant's motion be denied. (Doc. 65). Defendant has filed objections to the Magistrate Judge's Report and Recommendation. (Doc. 66).

When a party objects to a portion of a Magistrate Judge's report or proposed findings or recommendations, the District Court must conduct a de novo review of those portions of the report to which the party has specifically objected. 28 U.S.C. § 636(b)(1). The Court reviews the unchallenged portions of the Magistrate Judge's report for clear error. *See LoConte v. Dugger*, 847 F.2d 745, 750 (11th Cir. 1988).

Having reviewed de novo the portions of the report to which Defendant specifically objected and the balance of the report for clear error,¹ the Court concludes that the Magistrate Judge's Report and Recommendation (Doc. 65) should be **ACCEPTED** and **ADOPTS** it as the findings and opinion of the Court.

Defendant's Motion to Dismiss Indictment for Violation of Due Process (Doc. 50) is **DENIED**, and the objections to the Report and Recommendation (Doc. 66) are **OVERRULED**.

DONE and **ORDERED** this July 28, 2020.


LILES C. BURKE
UNITED STATES DISTRICT JUDGE

¹ In conducting its review, the Court considered the entire record, including the Motion to Dismiss Indictment for Violation of Due Process (Doc. 50); Defendant's Motion for Release (Doc. 36), Reply in Support of Motion for Release (Doc. 45), Supplement to Motion for Release (Doc. 46), and Objections to Order Regarding Confinement (Doc. 49); the Magistrate Judge's order denying Defendant's release from custody (Doc. 48) and the Court's order overruling Defendant's objections to the Magistrate Judge's order (Doc. 63); the Report and Recommendation (Doc. 65); Defendant's objections (Doc. 66); and the relevant authorities.